

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**FOR SOLE INVENTOR (C-I-P APPLICATION)**

As the below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor, of the subject matter which is claimed and for which a patent is sought on the invention entitled as follows: SITOSTANOL FORMULATION WITH EMULSIFIER TO REDUCE CHOLESTEROL ABSORPTION AND METHOD FOR PREPARING AND USE OF SAME, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code Of Federal Regulations, Section 1.56. I further declare that no application for patent or inventor's certificate on this invention has been filed by me, my legal representative or assigns in any country foreign to the United States of America except as identified below:

NONE.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112.

I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

09250765-021559

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT  
UNDER 35 U.S.C. § 120:

U.S. APPLICATIONS

Status (Check One)

| Appln. No. | Filing Date  |  | Patented | Pending | Abandoned |
|------------|--------------|--|----------|---------|-----------|
| 09/084,561 | May 26, 1998 |  |          | X       |           |
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PCT APPLNS. DESIGNATING THE U.S.

| PCT Appln. No. | PCT Filing Date | U.S. Serial No. Assigned (if any) | Patented | Pending | Abandoned |
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And I hereby appoint ZARLEY, McKEE, THOMTE, VOORHEES & SEASE, comprising Donald H. Zarley, Registration No. 18,543; Bruce W. McKee, Registration No. 19,651; Dennis L. Thomte, Registration No. 22,497; Michael G. Voorhees, Registration No. 25,715; Edmund J. Sease, Registration No. 24,741; Mark D. Hansing, Registration No. 30,643; Kirk M. Hartung, Registration No. 31,021; Daniel J. Cosgrove, Reg. No. 36,770; Michael R. Crabb, Registration No. 37,298; Heidi Sease Nebel, Registration No. 37,719; Wendy K. Marsh, Registration No. 39,705; Jeffrey D. Harty, Registration No. 40,639; James A. Napier, Registration No. 42,025; and Mark Ziegelbein, Registration No. 43,307; 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309, Telephone 515-288-3667, as my attorneys to prosecute this application and to transact all business in the Patent Office connected therewith.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Applicant or Patentee: Richard E. Ostlund, Jr.  
Serial No. or Patent No: \_\_\_\_\_  
Filed or Issued: \_\_\_\_\_  
For: SITOSTANOL FORMULATION WITH EMULSIFIER TO REDUCE CHOLESTEROL ABSORPTION  
AND METHOD FOR PREPARING AND USE OF SAME

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
37 CFR 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Washington University  
ADDRESS OF ORGANIZATION Campus Box 8127, 660 South Euclid Avenue, St. Louis,  
MO 63110

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE

UNITED STATES OF AMERICA

(NAME OF STATE \_\_\_\_\_)

(CITATION OF STATUTE \_\_\_\_\_)

- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA

- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE  
OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

(NAME OF STATE \_\_\_\_\_)

(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled SITOSTANOL FORMULATION WITH EMULSIFIER... by inventor(s) Richard E. Ostlund, Jr. as described in

☒ the specification filed herewith.

☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of payment, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Andrew Neighbour  
TITLE IN ORGANIZATION Associate Vice Chancellor for Technology Management  
ADDRESS OF PERSON SIGNING Campus Box 8127, 660 South Euclid Ave., St. Louis, MO 63110  
SIGNATURE [Signature] DATE 2/5/99

**SIGNATURE**

Inventor's signature:

Richard E. Ostlund, Jr.  
RICHARD E. OSTLUND, JR.

Date: 2-09-99

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